

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

TIFFANY KESSLING, DDS,

Plaintiff,

v.

Civil Action 2:20-cv-1719

Judge Sarah D. Morrison

Magistrate Judge Chelsey M. Vascura

OHIO STATE UNIVERSITY, *et al.*,

Defendants.

ORDER

This matter came before the Court for a telephonic discovery conference on September 29, 2021. This Order memorializes the results of that conference.

Plaintiff requested the conference to address two discovery disputes. During the conference, the undersigned ruled as follows:

- Defendants' oral motion for protective order is **GRANTED**. Plaintiff's counsel may not use documents identified as DEF_018813, 18816, 19367, 19894, or 20223 in another case against OSU, because these documents were designated when produced by Defendants as "confidential" under the Stipulated Protective Order (ECF No. 20). Although the parties reached an agreement regarding the privileged nature of the documents, that agreement did not alter the Stipulated Protective Order's provisions preventing use of the documents outside of preparing for and conducting discovery and trial in this action.
- Plaintiff's oral motion to compel responses to her First Set of Interrogatories and Request for Production of Documents directed to the Individual Defendants in their Personal Capacities is **DENIED WITHOUT PREJUDICE**. Fact discovery as to damages shall not be conducted until after the Court's ruling on summary judgment. To coincide with the already-established deadlines on expert damages discovery (*see* Preliminary Pretrial Order 2, ECF No. 18), fact discovery as to damages shall be completed within 60 days of the Court's ruling on summary judgment. Plaintiff's already-propounded discovery requests regarding the individual Defendants' net worth shall be deemed served on the day of the

Court's ruling on summary judgment, and responses shall be due 30 days after the Court's ruling on summary judgment.

IT IS SO ORDERED.

/s/ Chelsey M. Vascura
CHELSEY M. VASCURA
UNITED STATES MAGISTRATE JUDGE